



### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as EXPRESS MAIL EV689730755US in an envelope addressed to:  
Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Aug. 24, 2005  
Date

Kay Bulen  
Signature

Kay Bulen  
Printed Name

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Doherty et al.

Serial No.: 09/234,208

Filed: 20 January 1999

For: HER-2 BINDING ANTAGONISTS

Examiner: Anne L. Holleran

Art Unit: 1642

Docket No.: 49321-1

Date: 24 August 2005

Mail Stop RCE and Attention Office of Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION UNDER 37 C.F.R. §1.48(b)

Sir:

Applicants respectfully request the Commissioner, pursuant to 37 C.F.R. §1.48(b), to amend the above-identified patent application by deleting John P. Adelman as an inventor, in view of restriction and cancellation of claims during prosecution, whereby John P. Adelman's inventive contributions, while originally claimed, are no longer being claimed by virtue of cancellation of non-elected claims during prosecution. This Petition under 37 C.F.R. §1.48(b) should be considered along with applicants Petition under 37 C.F.R. §1.48(a) submitted herewith, to add John P. Adelman as an inventor in the application as originally filed.

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Specifically, the claims of the application as originally filed to which John P. Adelman contributed (claims 4-7 and 11-13) were cancelled in applicants' Response filed on 01 February 2002 during the present prosecution in view of a Restriction Requirement dated 29 March 2000. Therefore Adelman is no longer an inventor of the claims as pending.

Applicants, therefore, respectfully request amendment of the inventive entity in the present pending application to delete John P. Adelman as a joint inventor of the pending claims.

The subject matter of claims 4-7 and 11-13 (restriction Group II, drawn to DNA and corresponding host cell transfected with corresponding vector) to which Adelman contributed has been successfully pursued by applicants in a *divisional* application, serial number 09/630,155 (now U.S. Patent 6,414,130) in which John P. Adelman is listed as an inventor.

A check for \$130.00 to cover the fee set forth in 37 C.F.R. §1.17(i) is attached hereto.

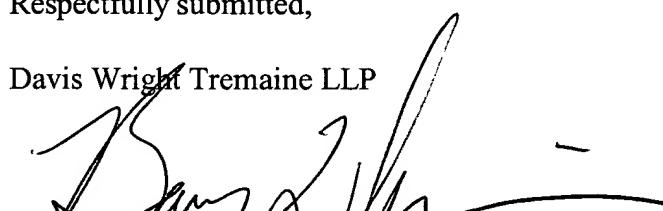
The undersigned, pursuant to 37 C.F.R. §1.33(b)(1), qualifies as a party under 37 C.F.R. §1.33(b).

Enclosures:

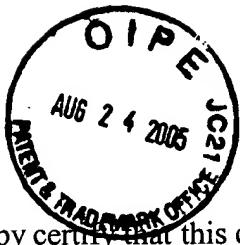
- 1-Petition to correct inventorship in patent application under 37 C.F.R. §1.48(b)
- 2-Fee payment for this Petition
- 3-Return postcard listing the above enclosures

Respectfully submitted,

Davis Wright Tremaine LLP

  
Barry L. Davison, Ph.D., J.D.  
Attorney for Applicants  
Registration No. 47,309

Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, Washington 98101-1688  
Telephone: 206-628-7621  
Facsimile: 206-628-7699



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Aug. 24, 2005 Kay Bulen Kay Bulen  
Date Signature Printed Name

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Doherty et al.

Serial No.: 09/234,208

Filed: 20 January 1999

For: HER-2 BINDING ANTAGONISTS

Examiner: Anne L. Holleran

Art Unit: 1642

Docket No.: 49321-1

Date: 24 August 2005

Mail Stop RCE and Attention Office of Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION UNDER 37 C.F.R. §1.48(a)

Sir:

Applicants respectfully request the Commissioner, pursuant to 37 C.F.R. §1.48(a), to amend the above-identified patent application as originally filed to name the actual inventors by adding John P. Adelman as a joint inventor, in addition to the originally listed inventors Joni Kristin Doherty and Gail M. Clinton.

Specifically, John P. Adelman contributed to claims 4-7 and 11-13 of the application as originally filed. The omission of John P. Adelman occurred without any deceptive intent on the

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part of applicants, and applicants have submitted, attached hereto, the requisite documents to support the Petition, including a statement from John P. Adelman that his omission occurred without any deceptive intent.

Applicants, therefore, respectfully request amendment of the inventive entity in the application as originally filed to add John P. Adelman as a joint inventor of the claims in the application as originally filed. Accordingly, applicants attach hereto:

- (i) A statement from **John P. Adelman**, who is being added as a joint inventor to the application as originally filed, that the inventorship error occurred without any deceptive intention on his part;
- (ii) A Declaration from all three inventors; the two originally named joint inventors (Joni Kristin Doherty and Gail M. Clinton), and from **John P. Adelman** who is being added as a joint inventor to the application as originally filed under this Petition;
- (iii) A statement from **OREGON HEALTH & SCIENCE UNIVERSITY**, Portland, Oregon, the sole ASSIGNEE of the parties submitting statements under 37 C.F.R. §1.48(a)(2), consenting to the change of inventorship in the patent application as originally filed, said statement being in compliance with 37 C.F.R. §3.73(b);
- (iv) A STATEMENT UNDER 37 CFR 3.73(b) certifying that **OREGON HEALTH & SCIENCE UNIVERSITY**, a corporation organized under the laws of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201-3098 11030 is the sole assignee to the entire right, title and interest in the patent application identified above, for which the below-mentioned assignment documents are attached hereto;
- (v) True copies of: a recordation document (Reel/Frame 015200/0389) for the above-identified underlying U.S. Patent No. 5,750,573;
- (vi) True copy of the underlying assignment from the originally-named inventors Joni Kristin Doherty and Gail M. Clinton, and from **John P. Adelman** to ASSIGNEE, all evidence in the chain of title; and
- (vii) A check for \$130.00 to cover the fee set forth in 37 C.F.R. §1.17(i).

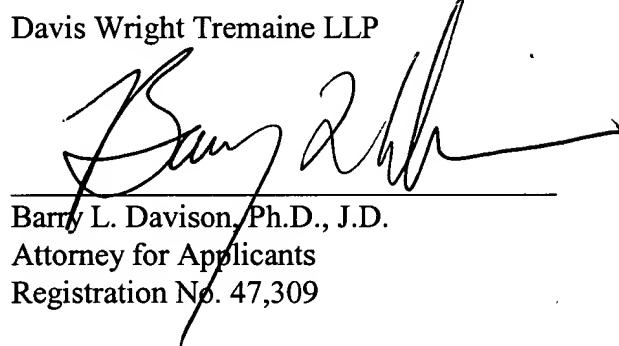
Enclosures:

1-Petition to correct inventorship in patent application under 37 C.F.R. §1.48(a)

- 2-Statement from John P. Adelman
- 3-Declaration from all inventors
- 4-Statement from OREGON HEALTH & SCIENCE UNIVERSITY
- 5-Assignee's STATEMENT UNDER 37 CFR 3.73(b)
- 6-True copy of PTO assignment recordation document
- 7-True copy of assignment all inventors
- 8-Fee payment for this Petition
- 9-Return postcard listing the above enclosures

Respectfully submitted,

Davis Wright Tremaine LLP

  
Barry L. Davison, Ph.D., J.D.  
Attorney for Applicants  
Registration No. 47,309

Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, Washington 98101-1688  
Telephone: 206-628-7621  
Facsimile: 206-628-7699



**STATEMENT OF INVENTORSHIP ERROR  
IN THE ABSENCE OF DECEPTIVE INTENT  
[37 CFR §1.48(a)(2)]**

Title of Invention: HER-2 BINDING ANTAGONISTS

Application No.: 09/234,208

Filed: January 20, 1999

Attorney Ref. 49321-1

As the below-named inventor of the subject matter which is claimed in the original patent original application identified above, I hereby state in accordance with 37 CFR §1.48(a)(2) that the inventorship error of failing to include John P. Adelman as an inventor of the patent application occurred without any deceptive intention on the part of the applicants, including the undersigned.

Inventor: John P. Adelman  
2433 SW Mitchell Street  
Portland, OR 97201 USA

Residence: Portland, Oregon USA

Citizenship: US

Signature of Inventor:

Date signed:

  
John P. Adelman

8-23-05

Attorney Docket No. 49321-1

**ASSIGNEE'S CONSENT TO CHANGE OF INVENTORSHIP  
PURSUANT TO 37 CFR 1.48(a)**

Title of Invention: HER-2 BINDING ANTAGONISTS

Application No. 09/234,208

Filed: 20 January 1999

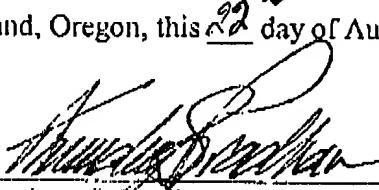
Attorney Docket No. 49321-1

As the sole assignee of the parties submitting a statement or declaration pursuant to 37 CFR §§1.48(a)(2) in support of the present PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION, OREGON HEALTH & SCIENCE UNIVERSITY, a corporation organized under the laws of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201-3098 11030 (hereinafter referred to as ASSIGNEE), hereby states in accordance with 37 CFR §1.48(a)(5) that it agrees to the change of inventorship, adding John P. Adelman as a joint inventor of the subject matter originally claimed in the patent application identified above;

AND, WHEREAS, the sole ASSIGNEE seeks to take action in this matter before the Office, and has acquired the entire right, title and interest in the invention described in the said application and Patent, ASSIGNEE, in compliance with 37 CFR §3.73(b), attaches hereto a STATEMENT UNDER 37 CFR 3.73(b) specifying (by reel and frame number) evidence of the chain of title from the original joint inventors, Joni Kristin Doherty and Gail M. Clinton, and from John P. Adelman, to ASSIGNEE, who is being added as a joint inventor under the present PETITION.

ASSIGNEE: OREGON HEALTH & SCIENCE UNIVERSITY  
3181 SW Sam Jackson Park Road  
Portland, Oregon 97201

Executed in Portland, Oregon, this 22<sup>nd</sup> day of August, 2005.

  
\_\_\_\_\_  
Arundeep S. Pradhan, Director  
Office of Technology and Research Collaborations  
Oregon Health & Science University



PTO/SB/96 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Oregon Health &amp; Science University

Application No./Patent No.: 09/234,208 Filed/Issue Date: January 20, 1999

Entitled: HER-2 BINDING ANTAGONISTS

Oregon Health & Science University \_\_\_\_\_, a corporation of the State of Oregon  
(Name of Assignee) \_\_\_\_\_ (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

A  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015200, Frame 0389, or for which a copy thereof is attached.

OR

B  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Arundean S. Pradhan

Printed or Typed Name

Telephone Number

Director, Office of Technology and Research Collaborations

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



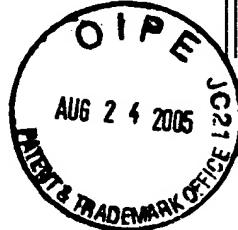
# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 30, 2004

PTAS

DAVIS WRIGHT TREMAINE LLP  
BARRY L. DAVISON, PH.D., J.D.  
1501 FOURTH AVE.  
2600 CENTURY SQUARE  
SEATTLE, WA 98101-1688



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OCT 01 2004

DWT Patents  
KB

## UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/12/2004

REEL/FRAME: 015200/0389

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

DOHERTY, JONI KRISTEN

DOC DATE: 03/29/2004

ASSIGNEE:

CLINTON, GAIL M.

DOC DATE: 02/06/2004

ASSIGNEE:

ADELMAN, JOHN P.

DOC DATE: 02/06/2004

ASSIGNEE:

OREGON HEALTH SCIENCE UNIVERSITY  
3181 SW SAM JACKSON PARK ROAD  
PORTLAND, OREGON

SERIAL NUMBER: 09234208

FILING DATE: 01/20/1999

PATENT NUMBER:

ISSUE DATE:

TITLE: HER-2 BINDING ANTAGONISTS

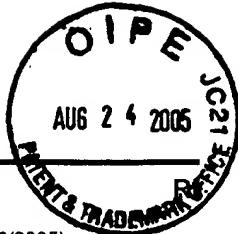
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OCT 05 2004

By: *m.k.*

015200/0389 PAGE 2

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ASSIGNMENT DIVISION  
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(Rev. 10/02)  
OMB No. 0651-0027 (6/30/2005)



U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

1) Joni Kristen Doherty  
2) Gail M. Clinton  
3) John P. Adelman  
4)  
5)  
6)

4.12.64

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other:

## Execution Date(s):

1) 3/29/04  
2) 2/06/04  
3) 2/06/04  
4)  
5)  
6)

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)  
09/234,208

B. Patent No.(s)

Additional numbers attached:  Yes  No

## 5. Name and address of party to whom correspondence concerning documents should be mailed:

Name: Davis Wright Tremaine LLP

Internal Address: \_\_\_\_\_

2600 Century Square

1501 Fourth Avenue

Seattle, WA 98101-1688

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) ..... \$40

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

04-0258

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Barry L. Davison, Ph.D., J.D.

Name of Person Signing

Signature

08 Apr 2004  
Date

Total number of pages including cover sheet, attachments, and documents:

Mail documents to be recorded with required cover sheet information to:  
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Washington, D.C. 20231

04/13/2004 LMUELLER 00000133 09234200

01 FC:8021

40.00 DP

32 N. Topanga Canyon Blvd.  
Topanga, CA 90290

## ASSIGNMENT

THIS ASSIGNMENT, by Joni Kristen Doherty, Gail M. Clinton, and John P. Adelman (hereinafter referred to as the assignors), residing at 1914 California Avenue, Santa Monica, CA, 90403; 3040 SW Beaverton Avenue, Portland, Oregon, 97201; and 2433 SW Mitchell Street, Portland, OR, 97201, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in HER-2-modulating compounds, set forth in an application for Letters Patent of the United States, HER-2 BINDING ANTAGONISTS, bearing Serial No. 09/234,208 and filed on January 20, 1999, that has been assigned to Oregon Health Science University; and

WHEREAS, Oregon Health Science University, a corporation of the State of Oregon having its principal place of business at 3181 SW Sam Jackson Park Road, Portland, Oregon (hereinafter referred to as the assignee) is desirous of acquiring any remaining rights of the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, not previously assigned, to be obtained therefor and thereon; and

WHEREAS, the prior assignments executed by the assignors on or about May 18, 1999, May 20, 1999, and January 6, 2000 did not contain language referring to divisions, continuations and continuations-in-part of the above-mentioned application for Letters Patent, or reissues or extensions of the above-mentioned Letters Patent or Patents, and for purposes of clarification assignors are executing this Assignment:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, which have not been previously assigned, if any, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

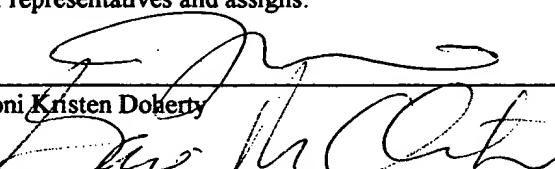
AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

3/29/04

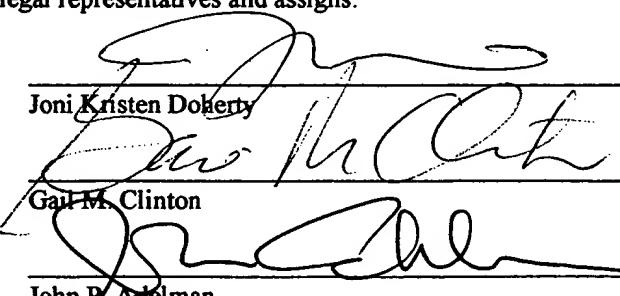
Date

Joni Kristen Doherty



Date

Gail M. Clinton

  
John P. Adelman

2/06/04

Date

AUG 24 2005



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(Rev. 10/02)

OMB No. 0651-0027 (6/30/2005)

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FINANCE SECTION

## 1. Name of conveying party(ies):

- 1) Joni Kristen Doherty
- 2) Gail M. Clinton
- 3) John P. Adelman
- 4)
- 5)
- 6)

Additional name(s) of conveying party(ies) attached?  Yes  No

## 2. Name and address of receiving party(ies)

Name: Oregon Health Science University

Internal Address: \_\_\_\_\_

## 3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other:	

## Execution Date(s):

- 1) 3/29/04
- 2) 2/06/04
- 3) 2/06/04
- 4)
- 5)
- 6)

Street Address: 3181 SW Sam Jackson Park RoadCity: Portland State OR Zip   Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)  
09/234,208

B. Patent No.(s)

Additional numbers attached:  Yes  No

## 5. Name and address of party to whom correspondence concerning documents should be mailed:

Name: Davis Wright Tremaine LLP

Internal Address: \_\_\_\_\_

2600 Century Square1501 Fourth AvenueSeattle, WA 98101-16886. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) ..... \$40 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

04-0258

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Barry L. Davison, Ph.D., J.D.

Name of Person Signing

Signature

08 April 2004

Date

Total number of pages including cover sheet, attachments, and documents:

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents & Trademarks, Box Assignments  
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